

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

MYRON MCCRARY,	:	
	:	
Petitioner,	:	
	:	NO. 5:10-CR-26 (CAR)
VS.	:	
	:	
UNITED STATES OF AMERICA,	:	Proceedings Under 28 U.S.C. §2255
	:	Before the U.S. Magistrate Judge
Respondent.	:	
	:	

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**ORDER TO RESPOND**

Before the Court is a Motion for Transcripts filed by Petitioner Myron McCrary wherein Petitioner requests that he be furnished, at no cost, with a copy of the transcript of his January 27, 2011 sentencing hearing. Doc. 113. Pursuant to 28 U.S.C. § 753(f), “fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.” Here, as was explained in an order dated January 27, 2012 (Doc.111), the Court reviewed the above-captioned §2255 petition and was unable to conclude that it was subject to summary dismissal. Moreover, though it is not entirely clear that the sentencing transcript is needed in order to decide the issue presented, the Court gives Petitioner the benefit of the doubt. Accordingly, the Clerk is directed to promptly provide the Petitioner, without cost, a copy of the transcript he has requested.

**SO ORDERED**, this 15<sup>th</sup> day of March, 2012.

s/ Charles H. Weigle  
Charles H. Weigle  
United States Magistrate Judge